

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

BALWANI *et al.*

Appl. No. 10/665,220

Filing Date: September 17, 2003

For: **Decongestant/antihistaminic/
expectorant compositions**

Confirmation No.: 6274

Art Unit: 1617

Examiner: Carter, K.D.

Atty. Docket: 2286.0330000/BJD/JKM

Reply to Restriction Requirement

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Restriction Requirement dated **October 19, 2007**, Applicants hereby provisionally elect Group I, claims 1-9, drawn to a therapeutic composition for the symptomatic relief of cough and nasal congestion associated with adverse respiratory tract conditions, wherein said active ingredients consist of phenylephrine tannate, pyrilamine tannate and guaifenesin. This election is made **with traverse**.

Although the Groups identified in the Restriction Requirement are alleged by the Examiner to be patentably distinct, they are directed to similar, overlapping subject matter. According to M.P.E.P. § 803: "If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." M.P.E.P. § 803 at 800-4.

The subject matter of Groups I-II are clearly related as the groups are directed to products and methods of use of such products. Therefore, searching these groups together would not place a serious burden on the Examiner within the meaning of M.P.E.P § 803.

In view of the comments presented above, Applicants respectfully request reconsideration of the restriction requirement, and that Groups I-II, be examined together.

It is not believed that extensions of time are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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Date: November 19, 2007

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